

## CSBA Sample County Board Bylaw

### Board committees

BB 9130

The County Board of Education may establish Board committees on matters within its jurisdiction. The Board shall define the duties, responsibilities, authority and term of a Board committee at the time of the committee's establishment. Unless specifically authorized by the Board to act on its behalf, Board committees shall act in an advisory capacity only.

The Board president shall appoint all committees with Board approval.

All Board committees shall report their activities and/or recommendations to the Board at an open meeting of the Board, except in matters on which a closed session is required by law.

Note: Government Code 54954 exempts advisory and standing committees from the Brown Act requirements to provide the time and place for holding their regular meetings. Therefore, in practice, these committee meetings are often held as "special meetings," for which only a 24-hour notice is required. However, if a committee provides 72-hours notice of its meeting, it will be considered a "regular meeting" for purposes of the Brown Act.

Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws. An agenda of any such committee meeting shall be posted not less than 24 hours prior to the meeting. Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting, shall be considered as regular meetings of the Board, for purposes of the Brown Act. (Government Code 54954)

Note: Board committees composed of less than a quorum of members of the Board are not subject to the open meeting laws except where they have a continuing subject matter jurisdiction, or a meeting schedule established by the Board.

Board advisory committees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Board. (Government Code 54952)

Note: In 79 Ops.Cal.Atty.Gen. 69 (1996), the Attorney General clarified that Board committees having a continuing subject matter jurisdiction include those providing advice at the Board's request, on budgets, audits, contracts and personnel matters. The following paragraph reflects County Boards' areas of jurisdiction.

those responsible for providing advice on finance, Board policy, governmental relations, curriculum development and program evaluation, at the Board's request.

Note: Pursuant to Government Code 54952.2, the Brown Act is not violated if Board members who are not members of a standing committee attend the meeting only "as observers." In 81 Ops.Cal.Atty.Gen. 156 (1998), the Attorney General clarified that those Board members attending the meeting "as observers," may not ask questions or make statements at the meeting and that they must sit in the areas designated for members of the public.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Note: If the County Superintendent or designee serves as advisor or staff person to a Board committee not subject to the Brown Act, his/her presence on the committee would not subject the committee to the Brown Act as long as he/she is not a voting member of the committee. The Board may also ask the County Superintendent to provide staff to assist a Board committee.

At the request of the Board, the County Superintendent or designee may serve and/or nominate any county office staff member to serve as an advisor to, or as a non-voting member of a Board committee.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community and students and may consult with local public boards and agencies.

When a Board committee composed exclusively of Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the Board may or may not provide for public comment on the item at a subsequent Board meeting. Public comment shall be afforded, however, if the Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

*Legal Reference:*

**EDUCATION CODE**

*1040 Duties and responsibilities; county boards of education*

*1042 County boards; authority*

**GOVERNMENT CODE**

*54952 Legislative body, definition*

*54952.2 Definition of meeting*

*54954 Time and place of regular meetings; special meetings; emergencies*

*54954.3 Opportunity for public to address legislative body*

**ATTORNEY GENERAL OPINIONS**

*81 Ops.Cal.Atty.Gen. 156 (1998)*

*80 Ops.Cal.Atty.Gen. 308 (1997)*

*79 Ops. Cal. Atty. Gen. 69 (1996)*

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Policy Reference UPDATE Service